

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

Andre R. Kabir,

Plaintiff,

v.

Case No. 2:08-cv-668

Postmaster General, United
States Postal Service, et al.,

JUDGE SARGUS

Defendants.


ORDER

Plaintiff, Andre Kabir, has filed this action arising out of his employment with the United States Postal Service. The Court's docket reflects that service has been made on the Postmaster General and on the Attorney General of the United States. See documents #17 and 18. However, in order to perfect service on the United States or an agency of the United States, the United States Attorney for the district in which the suit is filed must also be served with a summons and complaint. That was explained to Mr. Kabir in the Court's order of March 12, 2009. He was given thirty days to submit the proper forms to the Marshal (who is making service in this case because Mr. Kabir is proceeding *in forma pauperis*) and was advised that if he did not, the Court might dismiss the case. The Clerk of Court has not issued a summons for service to be made on the United States Attorney for the Southern District of Ohio, so the Court assumes that Mr. Kabir never asked for a summons to be issued and for that summons and the complaint to be served on the United States Attorney.

Despite the lack of compliance with the Court's earlier order, the Court is reluctant to dismiss the case because Mr. Kabir has made some effort to comply with Fed.R.Civ.P. 4(i) by obtaining service on the Postmaster General and the Attorney General. Consequently, he will be given one last opportunity to perfect service. Within fifteen days, he shall submit to the Marshal's office a complaint, summons and Form USM-285 for service to be made on the United States Attorney for the Southern District of Ohio. If he does not do so, this case will be dismissed. Because service has not yet been made, Mr. Kabir's motion for summary judgment

(#12) is premature and it is **DENIED**. His motion to withdraw amended issue (#16) is **GRANTED**. His motion for leave to file an amended complaint (#19) is **DENIED WITHOUT PREJUDICE** to its renewal once all of the proper entities representing the United States have been properly served.

Date: 8-31-2009



Edmund A. Sargus, Jr.
United States District Judge